



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

LCC:ddj  
Docket No: 6184-99  
14 March 2000

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 14 March 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CNO memorandum 7220 SER N130C/0U0074 of 10 February 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



**DEPARTMENT OF THE NAVY**  
OFFICE OF THE CHIEF OF NAVAL OPERATIONS  
WASHINGTON, DC 20350-2000

IN REPLY REFER TO  
7220  
Ser N130C/0U0074  
10 FEB 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION  
OF NAVAL RECORDS

Via: Assistant for BCNR Matters, Pers-00XCB

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO

Ref: (a) Joint Federal Travel Regulations Vol 1  
(b) DODFMR, Volume 7A

Encl: (1) BCNR Case File #06184-99 w/Microfiche Service Record

1. Per your request, following recommendation concerning enclosure (1) is provided.
2. The petitioner is requesting retroactive payment of Family Separation Allowance - Restricted (FSA-R) for the period from 3 NOV 97 to 30 SEP 98.
3. A review of the petitioner's Master Military Pay Account (MMPA), revealed that he reported at his new duty station on 07 NOV 97(ACU 5 SHORE COMP). While transferring to his new command he was married on 03 NOV 97 before the effective date of his Permanent Change Station Orders. IAW reference (a), para. U5203 members are entitled to travel and transportation of dependents at government expense upon PCS for travel performed from old permanent duty station (PDS) to new PDS.
4. IAW reference (b), para. 270301 H, if a dependent is otherwise authorized transportation at government expense but is not eligible under immigration laws for entry into United States before a member reports to the new permanent station, entitlement to FSA-R does not accrue.
5. Unfortunately recoupment of FSA-R is required from the petitioner's pay account effective from 01 OCT 98 to 04 OCT 99 due to non-entitlement. Therefore N130C recommends disapproval of petitioner's request for retroactive payment of FSA-R from 3 NOV 97 to 30 SEP 98 IAW reference (b).

S. J. Miller